

Before The
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
 Spectrum Policy Task Force)
 Request for Comments On Issues Relating to)
 Commission's Spectrum Policies)

ET Docket No. 02-135

To the Commission:

COMMENTS OF
THE CATHOLIC TELEVISION NETWORK

The Catholic Television Network ("CTN") hereby submits these comments in response to the above-referenced Public Notice seeking comment on a broad range of spectrum-related issues.¹ CTN's comments focus on the benefits that have resulted from the Commission's market-oriented use policies in the 2500-2690 MHz band (the "2.5 GHz band") which is allocated to the Instructional Television Fixed Service ("ITFS") and Multichannel Multipoint Distribution Service ("MMDS").

Introduction and Statement of Interest

CTN is an association of Roman Catholic archdioceses and dioceses that operate many of the largest parochial school systems in the United States. Collectively, CTN's members serve over 550,000 students and 4,000,000 households throughout America. CTN's members use ITFS/MMDS frequencies to distribute educational, inspirational, and other important services to schools, colleges, parishes, community centers, hospitals, nursing homes, and other locations.

¹ Spectrum Policy Task Force Seeks Public Comment on Issues Related to Commission's Spectrum Policies, *Public Notice*, DA 02-1311 (rel. June 6, 2002) ("Public Notice").

Historically, the 2.5 GHz band was used for the distribution of one-way analog video programming. However, as a result of recent regulatory and technological developments, the band increasingly is being used to provide two-way digital services. This is an important development because educators today need much more than one-way video to serve the needs of their students. Educators need interactive two-way video, document and data exchanges, broadband Internet access, wide-area networking, and a host of other services. The introduction of these services into the 2.5 GHz band is allowing educators to rethink the way schools are designed and reduce the cost of education.²

Discussion

CTN supports the Commission's goal of creating created positive incentives to make efficient use of spectrum resources.³ At the same time, because ITFS is the *only* spectrum specifically set aside for formal educational instruction,⁴ the Commission must be mindful of the equally important goal of protecting this extremely valuable educational resource. As discussed below, the Commission's market-oriented use policies in the 2.5 GHz band have successfully facilitated achievement of both of these goals, and can serve as a model for efficient and effective

² The introduction of these new services also is consistent with President Bush's desire to encourage the use technology as a tool to improve academic achievement. *See No Child Left Behind*, (Jan. 23, 2001), at Forward and 22, <http://www.whitehouse.gov/news/reports/no-child-left-behind.pdf>

³ Public Notice at 5.

⁴ Eligibility for ITFS licenses is generally limited to accredited educational institutions, governmental entities engaged in the formal education of enrolled students, and non-profit organizations whose purposes are educational and include providing educational and instructional programming to accredited institutions and governmental organizations. 47 C.F.R. § 74.932 (2001).

spectrum use in other bands.

One form of market-oriented use is to allow licensees to lease a portion of their spectrum capacity to others. In 1983, the Commission took the unusual and creative step of encouraging ITFS licensees to lease transmission capacity to commercial service providers.⁵ The theory underlying this decision was that leasing would further education, promote efficient spectrum use, and offer substantial public benefits.⁶ That is exactly what happened. Over the years, hundreds of public/private partnerships have been formed that permit educators not only to generate financial support for their educational missions, but also to obtain important facilities and services from their commercial partners.⁷

Spectrum leasing also has led to the creation of shared networks that advance the interests of both education and commerce. Particularly today, as the industry transitions from one-way analog video to two-way digital services, leasing can lead to greater spectrum efficiencies by allowing multiple parties to contribute spectrum resources to a commercial operator in order to take full

⁵ *Report and Order*, Gen. Docket No. 80-112, 94 FCC 2d 1203 (1983).

⁶ *Id.* at 1249-50 (¶ 114).

⁷ These financial and other benefits are precisely what the Commission envisioned when it encouraged ITFS licensees to lease spectrum capacity. *See Report and Order on Further Reconsideration and Further Notice of Proposed Rulemaking*, MM Docket 97-217, 15 FCC Rcd 14566, 14569 (¶¶ 9-10) (2000) (“We do not believe that there is any contradiction between an ITFS licensee performing its educational mission and that same licensee securing financial returns from the lease of its excess capacity. In fact, those financial returns can and do provide substantial resources to the ITFS licensee in the performance of its educational mission. ... [W]e believe that current ITFS licensees are striving to fulfill that mission and that they should be permitted to obtain the maximum return from their licensed spectrum to further that mission.”)

advantage of FCC rules that permit channels to be subdivided or combined. The benefits of such arrangements have been clearly recognized by the Commission:

[T]he creation of superchannels will typically involve the participation of multiple licensees, each of whom will contribute some portion of the combined spectrum. These voluntary spectrum sharing arrangements will clearly benefit all of the parties, in that it will give all of them the means to communicate at the data rates optimal for their particular operations and at speeds greater than would currently be permissible within a single 6 MHz channel. We believe this flexibility to subdivide and combine channels is essential in order to take maximum advantage of [the new rules].⁸

Another example of market-oriented use of the 2.5 GHz band can be found in the Commission's recent decision to add a mobile allocation to the band.⁹ While CTN did not seek such an allocation, it recognizes the Commission's desire to further promote the public interest by providing yet another option to service providers. Accordingly, CTN is working with Wireless Communications Association International and others in an effort to determine how mobile use might be made possible in the band without jeopardizing the fixed one-way and two-way services that are so essential to CTN's educational mission.

Conclusion

CTN is grateful for the Commission's forward-looking policies that have facilitated the introduction of new digital two-way services in the 2.5 GHz band. At the same time, because ITFS frequencies remain under the control of eligible educational institutions, the Commission's rules and policies have helped to ensure that educators remain empowered, now and in the future, to meet


⁸ *Report and Order*, MM Docket 97-217, 13 FCC Rcd 19112 at 19120 (¶ 20).

⁹ *See First Report and Order and Memorandum Opinion and Order*, 16 FCC Rcd 17222 (2001).

America's changing educational needs. CTN appreciates this opportunity to submit these comments, and looks forward to working with the Spectrum Policy Task Force in the months ahead.

Respectfully submitted,

THE CATHOLIC TELEVISION NETWORK



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